

BRIMFIELD TOWNSHIP ZONING COMMISSION

MINUTES of February 13, 2014

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Chairman Ron Jones V.P. Terri Reed Debbie Darlas
William Kremer Gary Rodd

Alternates Present: Tom Sargent Frank Chanowski

Staff Present: Dick Messner, Zoning Inspector
Wendi O’Neal, Zoning Secretary

The Zoning Commission is called to order by **Ron Jones** at 7:17 PM. on February 13, 2014.
Roll call:

Darlas: Here **Kremer:** Here **Jones:** Here **Reed:** Here
Rodd: Here

All Board members were present. Both Alternates **Frank Chanowski** and **Tom Sargent** present.

MOTION #2012-018

A motion was made by **William Kremer** to accept the Agenda, seconded by **Terri Reed**. Motion passes unanimously.

William Kremer states that the minutes are the best he has ever seen and he has seen lots of board meetings in lots of different organizations. Best set of minutes, he has ever seen. A very good job!

Wendi O’Neal says, Thank you very much!

Terri Reed asked Dick Messner if the Alternates needed to sign the minutes if they are here? He stated, No, just the voting members. Wendi O’Neal states their names are on the minutes to sign in case someone isn’t here, and then they could sign. Dick states it shows that they were in attendance but non-voting.

MOTION #2014-019

A motion is made for the approval of the minutes of the previous January 9, 2014 Zoning Commission Meeting by **William Kremer**, with a seconded from **Debbie Darlas**. Motion passes unanimously.

PUBLIC COMMENTS:

None; no others present.

OLD BUSINESS:

NEW BUSINESS:

Section 400.10B – 47 Flag Lots

Wendi O’Neal explains the handouts given to the Board members

Terri Reed states that the Board of Zoning Appeals (BZA) was supposed to review this chapter. **Dick Messner** states the BZA has reviewed but are busy with variances and conditional permits. **William Kremer:** Why did we have under 47 A a minimum of ten(10) acres as a requirement?

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

BRIMFIELD TOWNSHIP ZONING COMMISSION

Dick Messner states it has carried on from the older zoning book and is no longer applicable in growing Township like Brimfield.

William Kremer: So this is intended to say if you are going to create a flag lot out of an existing parcel that parcel needs to be 10 acres or more in order to create a flag lot?

Dick Messner: That was the general intent; remember at that time to there was only one residential district.

Ron Jones: I think it should be changed to whatever the minimum requirements by the county for, to satisfy the septic conditions or if it has sewer to it, our requirements for the side lots and the setbacks.

Gary Rodd: But then if you drop it back down if they're less than what you have now, everything that is below it would not pertain to that flag lot. It would change everything on that.

Dick Messner: Looking at Ravenna Townships and Randolph's, the county came up with an area width off a county road on a parcel should be no less than 60 feet, as observed in those townships. Second idea is to come up with that at the flag it would have to follow the area requirements of current zoning district. So a minimum width of 60 feet and then 900 feet in depth seems to be standard. Also, most state about the a letter from the local fire department with approval of that depth with the concern of getting emergency vehicles back if needed.

Terri Reed asked how many flag lots there were in Brimfield, and if we are going to be using it?

Dick Messner: Too many to count. An important example is the one on Ranfield, as the driveway is no fun to get back to the houses.

Ron Jones: Well talking to Chief Keller, he seemed to think he could go along with 900 feet. He thought that would be the maximum he could feel comfortable with unless there was a cul-de-sac at the end of it or a pond or lake that they could drive by.

Dick Messner: Points out the diagram on the buildable space on the handout. Another question about flag lots whether to allow building directly behind the house in front of it? Majority say it doesn't make any difference as long as it opens up that flag and you have your front setback, two side setbacks and rear setbacks as part of the area requirements of part of that zoning district, they don't really care. Chances are septic and well are going to dictate the location of the house.

Terri Reed questions the mentioning of shared driveways.

Dick Messner states that shared driveways are more common in high density.

Terri Reed refers the density of the city of Ravenna.

Dick Messner: Gives examples of shared driveways such as what Klaben is putting in, the hotel they board reviewed, and for condominiums or high density residential.

Terri Reed questions the number of the probability of buildable lots that could fall in flag lots or has it exhausted its means.

Dick Messner: There are some that come up but they are a thing of the past. For example the farm on Old Forge Road has 80 some acres.

William Kremer: The cost of a driveway 900 feet long is so expensive.

Terri Reed: Well that's why I was asking is how important is the flag shaped lots into amending things the way we need to if it's not huge?

Dick Messner: It needs to be brought into the 21st century.

Ron Jones: I think you are going to find that the flag lots that people want to build are going to be property that is owned by parents or grandparents and they want to sell off to a family member.

Dick Messner: States that the Flag Lot Section just needs to be cleaned up and made more reasonable for today's time. Leaving in the minimum of 10 acres, closes this option off for people have less but it opens up legal problems as he is not being able to do what he wants with his property.

Ron Jones: I would think that we would want to go whatever the minimum amount in that zoning district because the county is going to have inputs on their acreage to be able to put in a septic system in.

Terri Reed: And this is kind of what this one says here, that the flag portion of the lot must comply with the zoning district minimum acreage requirement, setbacks requirements. But to me that means, that ok it has to comply with whatever district it's in. Am I correct?

Dick Messner: Right the flag would, so if you are talking about the flag being an acre and a half, which would be R-2 or R-3, that flag would have to an acre and half and have the frontage of 125 feet.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

BRIMFIELD TOWNSHIP ZONING COMMISSION

~~Terri Reed: So if we take our or replace letter A, take away the minimum of 10 acres with something that is similar to what's in our hand out for Ravenna Township. That takes away~~²⁰
 where people would feel excluded and makes them comply with whatever the zoning district is.

William Kremer: Even if you left the 10 acres in and the person felt harmed, they could see the Board of Zoning Appeals to get a variance so it wouldn't necessarily be difficult to deal with.

Dick Messner: Yes, leaving less flexibility makes more reason for the lawyers to get involved and references the Kisil vs. Sandusky case and also the Duncan vs. Middlefield and the Dunkin Principles.

Tom Sargent asks about the minimum area lots for a septic and well.

Dick Messner states that it used to be at least an acre and a half but now after the soil scientist examines the soil then they can tell you what system and the area needed.

Ron Jones: I liked to just use the building envelope.

Dick Messner: That at the flag portion would have to satisfy the area requirements of the zoning district that it is in.

Ron Jones: Right

Terri Reed: Asks if everyone was in agreement about removing/changing letter A? Also if the wording would be like the Ravenna Township's?

Ron Jones: No I think that pretty much describes it.

William Kremer: Just that it says that it must satisfy the area requirements of the designated zoning district.

Ron Jones: Right. Ok, now in B are they talking about the post here or that just the drive?

Dick Messner: Lot must have continuous frontage. You could add in to clarify it off of the road right-of-way.

Tom Sargent: Is that the post though?

Dick Messner: Yea. Clarify the 60 feet continuous frontage from the road right-of way.

Tom Sargent: If I had a flag lot, I would rather have the 60 than the 100 because then I wouldn't want to maintain all that extra. That would just take a long time to mow 900 feet of that right there.

Ron Jones: Ok, so we want to change B to lot must have a minimum of 60 feet of continuous frontage at the road right-of-way. Moving on to C, lot must not be found narrower than 60 feet of continuous frontage or at any point.

Terri Reed: Is 60 feet wide enough?

Tom Sargent: Need to add the pole portion of lot.

Terri Reed: The pole portion of lot may not become narrower than 60 feet.

Frank Chanowski: That's odd, because in D it says the narrower portion.

Tom Sargent: For me when I read it, I would just love to have different indication of the pole, and the main lot.

Terri Reed: Well to C we added to the pole portion of lot. And I'm not sure what the narrower portion definition would be, what would that be?

Ron Jones: That would be the 900 feet, referring to the pole.

Terri Reed: So this is letter D, the pole portion of the lot cannot exceed the overall length, just take out the narrower and replace that with pole. Does that make sense?

William Kremer: It just cannot exceed 900 feet from the road right of way.

Terri Reed: Right

The Board discussed which would be best to eliminate or leave in or combining.

Ron Jones: Ok in the D, we want to go with the pole portion to not exceed 900 feet.

Tom Sargent: Is 900 feet to the back of the lot or where the lot opens up?

Group answered by where the lot opens up.

Dick Messner states the regulations that have come up with subdivisions regulations in Regional Planning.

Ron Jones: states that he likes the Ravenna's E because it states that the drive must be free of any structures or accessory buildings. Ok then leaving E alone. F is ok. G should be ok. H is questionable.

Dick Messner: The only thing on F is that it says single family residence, now you are not going to find any lots that in an R-3 or R-4 that are big but conceivable you could find there is any lots in an R-3 or R-4; R-3 conditionally allows duplexes and R-4 permitted uses are duplexes and multi-families.

Ron Jones: There again they would have to satisfy the building envelope.

Dick Messner: Right, which means you are going to have to run water and sewer.

Ron Jones: And I can't picture anybody doing that just to build a duplex.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Terri Reed: So can't we add in for F, can't we say something like lot must be of sufficient area to accommodate structure but complying with zoning districts.

Dick Messner: You could, but lot must be of sufficient of area to accommodate a residential dwelling, cross out single family and meet all of the districts setbacks and so forth.

Tom Sargent: Is that saying though if somebody wanted to put a duplex and they were willing to run the septic

Terri Reed: If it's already zoned for that area.

Dick Messner: If it's already zoned, if it's in an R-4 which is a quarter acre lot, guy comes in and says you know what I'm going to section off a piece in the back and go back and build a duplex, I will run the sewer and water.

Gary Rodd: So you are going to do away with the single family?

Dick Messner: Yea, you just put in a residential dwelling. And once you get into the four larger ones duplexes are not permitted use or conditionally permitted use.

Ron Jones: G looks pretty good.

William Kremer: Where we have D, after D I would like to add the next paragraph to incorporate what Ravenna had in theirs as of E. Basically stating that the pole portion of the lot must be free of structures and accessory buildings

Terri Reed: if they want to put a flag pole on the pole line?

William Kremer: and the reason I'd like to put it up there is because basically talking about the pole areas of the flag lot starting off with. And so you need to make a notation in there that they can't put accessory buildings on that pole strip. If they wanted to build like a covered bridge or something then we would hear something with a BZA request, but I don't see anybody doing that.

Ron Jones: So we just want to move everything down then? And then bring that around to what would be C.

William Kremer: So make E, F and F to G and that sort of thing.

Terri Reed: And make a new E. And just use the wording that Ravenna Township used?

Ron Jones: Yea. So the new H or I, shall not be located directly behind another dwelling

Dick Messner: I would take it out.

Ron Jones: Yea I don't understand that because you got 900 feet back there and the house in front is up close to the road with a 50 foot setback or whatever.

Dick Messner: And if you look at the diagram on the back, in which we will incorporate when you guys get done with this thing, yea because depending on what are requirements you got as long as you satisfy the area requirements, we are talking front, sides and rear, you can put the thing anywhere in the building envelope.

Ron Jones: So we can just delete it.

Terri Reed: So delete the original H.

Ron Jones: Yes so no the original I.

Terri Reed: So we don't want to put anything in there about sharing driveways?

Dick Messner: No, if you get into a shared driveway the chances are you are going to get into something that either is going to be looked at as in a condo setting or something that is going to require a conditional permitting with the BZA in all probability. Remember on each of the permitting, or conditionally permitted uses on everything all gray areas go to the BZA.

Debbie Darlas: Right

Ron Jones: Do we want to add a J on this then, for that the lot shall be screened from the view of the adjacent property?

William Kremer: No, we don't have that in any other district that would require you to create a screening from one house to the other though so what would give you the right to put it here?

Ron Jones: Guess you are right.

Dick Messner: The only place you put buffering is if you are in industrial district butting up with residential.

Ron Jones: Right, ok. And leave I the way it is.

William Kremer: Ok I think we are ready to go with the Flags Lots!

Group answers Yes. Mr. Messner states he wants the Commission to sleep on it for a month.

GOOD OF THE ORDER:

Meeting with the BZA to be determined.

Mr. Messner briefs the commission on businesses inquiries within the Township.

ADJOURN:

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

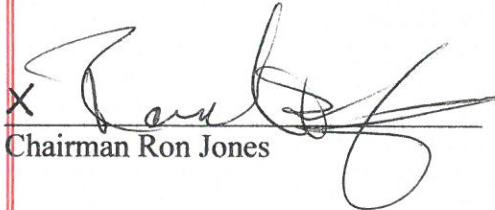
BRIMFIELD TOWNSHIP ZONING COMMISSION

Next meeting is set for March 13, 2014.

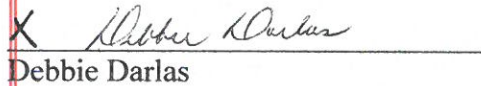
20

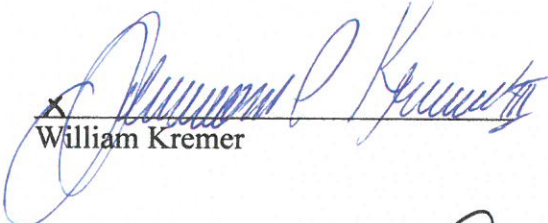
MOTION #2014-020

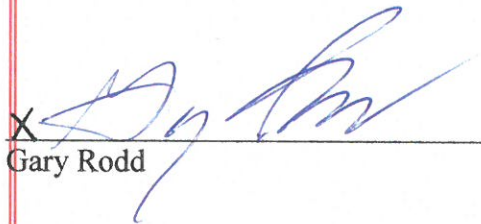
A motion is made by **Terri Reed**, seconded by **William Kremer** for adjournment of the Zoning Commission February 13, 2014 meeting at 8:15.

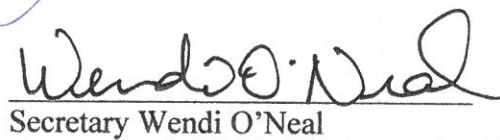
X 
Chairman Ron Jones

X 
Vice Chairman Terri Reed

X 
Debbie Darlas

X 
William Kremer

X 
Gary Rodd


Secretary Wendi O'Neal

X
Alternate Frank Chanowski

X 
Alternate Tom Sargent